

## Department of Energy

## § 440.15

- (iii) The estimated number of rental dwelling units to be weatherized; and
- (iv) Sources of labor.

(9) The manner in which the State plan is to be implemented, and shall include:

- (i) An analysis of the existence and effectiveness of any weatherization project being carried out by a subgrantee;
- (ii) An explanation of the method used to select each area to be served by a weatherization project;
- (iii) The extent to which priority will be given to the weatherization of single-family or other high energy consuming dwelling units;
- (iv) The amount of non-Federal resources to be applied to the program;
- (v) The amount of Federal resources, other than DOE weatherization grant funds, to be applied to the program;
- (vi) The amount of weatherization grant funds allocated to the State under this part;
- (vii) The expected average cost per dwelling to be weatherized, taking into account the total number of dwellings to be weatherized and the total amount of funds, Federal and non-Federal, expected to be applied to the program;
- (viii) The average amount of the DOE funds specified in § 440.18(c) (1) through (11) to be applied to any dwelling unit;
- (ix) The average amount of DOE funds to be applied to any dwelling unit for weatherization materials as specified in § 440.18(c)(1);
- (x) The procedures used by the State for providing additional administrative funds to qualified subgrantees as specified in § 440.18(d).
- (xi) Procedures for determining the most cost-effective measures in a dwelling unit or a statement that Project Retro-Tech or another DOE-approved audit will be used;
- (xii) The definition of "low income" which the State has chosen for use statewide for determining eligibility under § 440.22(a).
- (xiii) The definition of "children" which the State has chosen consistent with § 440.3.
- (xiv) The amount of Federal funds to be used, and an explanation of how they will be used, to increase the amount of weatherization assistance that the State obtains from non-Fed-

eral sources, including private sources, and the expected leveraging effect to be accomplished.

(Approved by the Office of Management and Budget under control number 1904-0047)

[49 FR 3629, Jan. 27, 1984, as amended at 50 FR 712, Jan. 4, 1985; 58 FR 12526, Mar. 4, 1993; 60 FR 29481, June 5, 1995]

### § 440.15 Subgrantees.

(a) The grantee shall ensure that:

- (1) Each subgrantee is a CAA or other public or nonprofit entity;
- (2) Each subgrantee is selected on the basis of public comment received during a public hearing conducted pursuant to § 440.14(a) and other appropriate findings regarding:
  - (i) The subgrantee's experience and performance in weatherization or housing renovation activities;
  - (ii) The subgrantee's experience in assisting low-income persons in the area to be served; and
  - (iii) The subgrantee's capacity to undertake a timely and effective weatherization program.
- (3) In selecting a subgrantee, preference is given to any CAA or other public or nonprofit entity which has, or is currently administering, an effective program under this part or under title II of the Economic Opportunity Act of 1964, with program effectiveness evaluated by consideration of factors including, but not necessarily limited to, the following:
  - (i) The extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion;
  - (ii) The quality of work performed by the subgrantee;
  - (iii) The number, qualifications, and experience of the staff members of the subgrantee; and
  - (iv) The ability of the subgrantee to secure volunteers, training participants, and public service employment workers pursuant to JTPA.
- (b) The grantee shall ensure that the funds received under this part will be allocated to the entities selected in accordance with paragraph (a) of this section, such that funds will be allocated to areas on the basis of the relative need for a weatherization project by low-income persons.

(c) If DOE finds that a subgrantee selected to undertake weatherization activities under this part has failed to comply substantially with the provisions of the Act or this part and should be replaced, such finding shall be treated as a finding under § 440.30(i) for purposes of § 440.30.

(d) Any new or additional subgrantee shall be selected at a hearing in accordance with § 440.14(a) and upon the basis of the criteria in paragraph (a) of this section.

(e) A State may terminate financial assistance under a subgrant agreement for a grant period only in accordance with established State procedures that provide to the subgrantee appropriate notice of the State's reasons for termination and afford the subgrantee an adequate opportunity to be heard.

[49 FR 3629, Jan. 27, 1984, as amended at 55 FR 41326, Oct. 10, 1990; 58 FR 12526, Mar. 4, 1993]

**§ 440.16 Minimum program requirements.**

Prior to the expenditure of any grant funds each grantee shall develop, publish, and implement procedures to ensure that:

(a) No dwelling unit may be weatherized without documentation that the dwelling unit is an eligible dwelling unit as provided in § 440.22;

(b) Priority is given to identifying and providing weatherization assistance to elderly and handicapped low-income persons and such priority as the applicant determines is appropriate is given to dwelling units containing children and to single-family or other high-energy-consuming dwelling units;

(c) Financial assistance provided under this part will be used to supplement, and not supplant, State or local funds, and, to the maximum extent practicable as determined by DOE, to increase the amounts of these funds that would be made available in the absence of Federal funds provided under this part;

(d) To the maximum extent practicable, the grantee will secure the services of volunteers when such personnel are generally available, training participants and public service employment workers, pursuant to JTPA, to

work under the supervision of qualified supervisors and foremen;

(e) To the maximum extent practicable, the use of weatherization assistance shall be coordinated with other Federal, State, local, or privately funded programs in order to improve energy efficiency and to conserve energy;

(f) The low-income members of an Indian tribe shall receive benefits equivalent to the assistance provided to other low-income persons within a State unless the grantee has made the recommendation provided in § 440.12(b)(5);

(g) No dwelling unit may be reported to DOE as completed until all weatherization materials have been installed and the subgrantee, or its authorized representative, has performed a final inspection(s) including any mechanical work performed and certified that the work has been completed in a workmanlike manner and in accordance with the priority determined by the audit procedures required by § 440.21; and

(h) Subgrantees limit expenditure of funds under this part for installation of materials (other than weatherization materials) to abate energy-related health and safety hazards, to a list of types of such hazards, permissible abatement materials and their costs which is submitted, and updated as necessary at the same time as an annual application under § 440.12 of this part and which DOE shall approve if—

(1) Elimination of such hazards are necessary before, or as a result of, installation of weatherization materials; and

(2) The grantee sets forth a limitation on the percent of average dwelling unit costs which may be used to abate such hazards which is reasonable in light of the primary energy conservation purpose of this part;

(i) The benefits of weatherization to occupants of rental units are protected in accordance with § 440.22(b)(3) of this part.

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[49 FR 3629, Jan. 27, 1984, as amended at 58 FR 12526, Mar. 4, 1993]